

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	Crim. No.: 5-22:CR-46
JOSH PUMA,	)	
Defendant	)	

GOVERNMENT'S MOTION FOR DETENTION

The United States of America, by and through its attorney, Nikolas P. Kerest, United States Attorney for the District of Vermont, moves for pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility for Detention. This defendant is eligible for detention because the charged offense is a crime of violence. 18 U.S.C. § 3142(f)(1)(A); *see also United States v. Choudhry*, 941 F. Supp. 2d 347, 351 (E.D.N.Y. 2013) (18 U.S.C. § 875(c) is a crime of violence under the Bail Reform Act).

2. Reason For Detention. The Court should detain the defendant because he presents a significant danger to the community. The instant charges against Puma involve a series of threats made by him to violently kill a state court judge and state prosecutor, and to sexually assault that same prosecutor. The threats, which are recorded, are shocking, depraved and unconditional. Puma specifically indicates in the threats that when he is released from jail, he will kill and maim those state officials, in addition to harming and killing other members of the legal community. The nature of this offense alone compels Puma's detention pending trial.

In addition, Puma is also violent. He appears in this Court on a Writ from state custody where he faces charges for simple assault and stalking. Puma has been in and out of the state

criminal justice system for many years, and in September 2019, while in state court, he punched his defense attorney in the face which caused her to fall to the ground. It then took five security officers to restrain him. Puma later pleaded guilty to assaulting his attorney and was sentenced to 4-12 months to serve.

Puma clearly has mental health issues and those will need to be addressed. However, until that time, there are no conditions of release this Court could set that would assure the safety of the community, especially the safety of the people Puma threatened to kill, assault, and maim. For these reasons, Puma should be detained pending trial.

3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against defendant under § 3142(e)(3)(B).

4. Time For Detention Hearing. The United States requests the court conduct the detention hearing at the defendant's first appearance.

Dated at Burlington, Vermont, this 19<sup>th</sup> day of May, 2022.

UNITED STATES OF AMERICA

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